REMARKS

The non-final Office Action of December 8, 2003 has been received and carefully reviewed. By the above actions, claims 3 and 15 have been cancelled. Consequently, claims 1, 2 and 4-14 remain pending with claims 13 and 14 being withdrawn as directed to a non-elected invention, and with claims 1, 2, 4, 5, 7, 10 and 12 being independent. In view of these actions and the following remarks, further consideration of this application is now requested.

The Applicant greatly appreciates the Examiner's indication of claim 10 as being allowed.

With regard to the new ground of rejection of claim 4, under 35 U.S.C. § 102(e), as being anticipated by the Lysen ('615) patent, the Applicant respectfully traverses this rejection. Specifically, the Applicant notes that the patentee makes no mention in the disclosure of a "high-resolution display device", but instead merely mentions "...an indication 14 for gyro angle and inclinations" and illustrates element 14 at Figure 2 with no further indication as to how the gyro angle and inclinations are indicated, e.g., rolling dial of gyro angle. However, the use of the term "high resolution display device" is a well known term of industry standard art referring to video display graphics of at least IBM standard 8514 supporting a resolution of 1024 x 768 pixels with 256 colors at 43.5 Hz (interlaced), or 640 x 480 at 60 Hz interlaced, as set forth at http://computing-dictionary.thefree dictionary.com/display%20standard. Such a display is not explicitly or implicitly taught by the "indication 14" of Lysen, and, therefore, the rejection of claim 4, under § 102(e) has been set forth in error and must now be withdrawn.

With regard to the remaining rejections of:

Claims 1, 2, 5, 6 and 8, under 35 U.S.C. § 103(a), based on a combination of the Lysen ('615) patent with the Casby et al. ('428) patent,

Claims 2, 3 and 15, under 35 U.S.C. § 103(a), based on a combination of the Lysen ('615) patent with the Puyo et al. ('921) patent,

Claim 7, under 35 U.S.C. § 103(a), based on a combination of the Lysen ('615) patent with the Puyo et al. ('921)) and Hall et al. ('975) patents,

Claim 9, under 35 U.S.C. § 103(a), based on a combination of the Lysen ('615) patent with the Casby et al. ('428) and Rodloff et al. patents,

Claim 11, under 35 U.S.C. § 103(a), based on a combination of the Lysen ('615) patent with the Casby et al. ('428) and Nower ('094) patents,

the Applicant continues to traverse each of these rejections for the reasons set forth in the Amendment of September 15, 2003, (which are hereby incorporated by reference thereto).   To those arguments it is added, the Applicant points out that the Examiner has not provided any response or rebuttal of the Applicant's initial traversal of the teachings of the Lysen reference in the September 15th Amendment.   That is, the Lysen patent (which is the PCT application cited at page 1 of the specification of the present application) neither recognizes or discloses that the sensor units 4, 10 used in performance of its method have a housing with "means for manually ... for holding the housing in place on a body whose state of alignment is to be determined" (as set forth in each of independent claims 1, 3, 4, 5 and 12), nor is there any basis for concluding that they are so usable.

On the other hand, there are indications to the contrary. Specifically, a detailed reading of the Lysen reveals no means or instrument enabling the housing to be manually held in place on a body whose alignment is to be determined.   To the contrary, as discussed in the September 15th Amendment, the Lysen patent refers to "mounting" of the housing on the bodies being measured. This is significant since, if the sensors of Lysen are mounted to the reference surface of the body being aligned, the operator's hand(s) are not occupied with the task of "holding the housing in place", i.e., there would be no reason to add the complexity and expense of a means for enabling input despite the fact that the operator's hands are occupied - the operator's hands would be free when using the Lysen device.   The Examiner's assertion that the need for adding the complexity and expense of a means for enabling input exists to increase the "speed of data transfer" is a hollow assertion since it is well appreciated that "voice" command software, while providing ease to the user whose hands are otherwise occupied, actually slows the rate of data transfer from

mechanical means, e.g., key boards, sensors, due to the needed time for translation requirements for the varieties of human voice patterns.

With regard to the Casby et al. patent, it is very clearly directed to alignment procedures carried out with automotive service systems, as noted previously, which are operations that cannot be performed without looking at and working on the vehicle being serviced; while the alignment device of Lysen ('615) is directed to the use with support frames, beds, or foundations of machines (column 1, lines 11-20). As pointed out in the earlier September 15th Amendment, there is a real need for a hands-free control capability in the environment of Casby et al. while no such need exists in use of Lysen's apparatus. The Applicant still fails to see why one of ordinary skill in the arts to which Lysen would be directed would look to the automotive arts for improvements to alignment devices for machine shafts, and the Examiner has failed to establish any such reason.

Likewise, the Puyo et al. patent relates to a simple inclinometer that is the electronic equivalent of a spirit bubble level which solely measures inclination or gradient of a floor, ceiling or wall relative to a horizontal or vertical or other X- or Y-reference plane and is not an optical gyro type sensor "for measuring and assessing the mutual alignment of bodies" in *three* reference dimensions for all angular coordinates for shafts, rollers, drives and the like those of Lysen or the instantly claimed invention. Again, the reasoning given by the Examiner for making such a combination, i.e., "to quickly receive data", is again a hollow assertion since, as already explained, the processing time to export an audio signal, versus exporting a screen display, is significantly greater again due to the processing necessary to formulate human language in the properly timed sequence for understanding. Because the device of Lysen is mounted as discussed above, a user is not bound to a certain position and can easily view the "indication 14" to receive information, i.e., the voice output is not needed.

As for the Nower, Rodloff et al. and Hall et al. patents, a review of each patent (cited by the Examiner for reasons unrelated to the deficiencies of the Lysen noted

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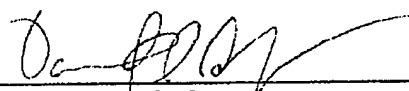   Docket No. 741124-63

above) reveals that none of these secondary references sets forth a teaching which suggests modifying the alignment device of Lysen to achieve a device having the features as presently claimed.

For all of the above reasons, it is submitted that all of the outstanding rejections should be withdrawn.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Lastly, it is noted that a separate Extension of Time Petition (three months) accompanies this response along with an authorization to charge the requisite extension of time fee to Deposit Account No. 19-2380 (741124-63). However, should that petition become separated from this Amendment, then this Amendment should be construed as containing such a petition. Likewise, any overage or shortage in the required payment should be applied to Deposit Account No. 19-2380 (741124-63).

Respectfully submitted,

By: _____
      David S. Safran
      Registration No. 27,997

NIXON PEABODY LLP
Suite 900
401 9th Street, N.W.
Washington D.C. 20004

Telephone: (703) 827-8094

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